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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Arizona Department of Economic Security,
an Arizona State agency,

Plaintiff,

v.

Christine Wormuth; Secretary of the Army,
in her official capacity,

Defendant.

No. CV-23-250-TUC-LCK

JOINT STATUS REPORT

Pursuant to the Court's September 11, 2023, Order (Doc. 51), Plaintiff Arizona Department of Economic Security and Defendant Christine Wormuth, the Secretary of the Army, jointly submit this report regarding the status of the arbitration proceeding:

1. On July 10, 2023, the Department of Education convened a Randolph-Sheppard Act arbitration captioned *Arizona Department of Economic Security v. United States Department of the Army*, Case No. R-S/23-05.

1 2. Since that time, the arbitration has progressed. Pursuant to the DOE's
2 procedures, each party designated one panel member, who in turn deliberated and
3 designated a third member of the panel to serve as the chairperson.

4 3. On October 24, 2023, the parties appeared before the arbitration panel via
5 videoconference for a pre-hearing scheduling conference. The panel subsequently issued
6 a Scheduling Order to govern the arbitration.

7 4. The Scheduling Order set deadlines for various pre-hearing submissions.
8 The parties engaged in an initial exchange of documents and submitted legal briefs on
9 discovery issues, some of which are still ongoing. The parties are to submit pre-hearing
10 briefs on or before March 5, 2024, and to exchange witness and exhibit lists by March 8,
11 2024.

12 5. The Scheduling Order set a hearing date of March 19, 2024, with an
13 anticipated completion date of March 21, 2024. At present, the panel has not scheduled
14 any briefing to follow the hearing.

15 6. Pursuant to the Department of Education's Revised Interim Policies and
16 Procedures for Convening and Conducting an Arbitration Pursuant to Sections 5(b) and 6
17 of the Randolph-Sheppard Act as Amended, the arbitration panel is to render its decision
18 within 30 days after the filing of post-hearing briefs.

19 7. In accordance with the Court's order, the parties will continue to keep the
20 Court apprised of developments in the arbitration through the submission of joint status
21 reports.

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1 DATED this 9th day of January, 2024.

2 HINSHAW & CULBERTSON LLP

GARY M. RESTAINO
UNITED STATES ATTORNEY
DISTRICT OF ARIZONA

3
4
5 /s/ Randy J. Aoyama
Randy J. Aoyama

/s/ Sarah S. Letzkus (with permission)
Sarah S. Letzkus
Attorneys for Defendant Christine
Wormuth

6 AND

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10
11
12 **CERTIFICATE OF SERVICE**

13 I certify that on the 9th day of January, 2024, I electronically transmitted the
14 attached document to the Clerk's Office using the CM/ECF System for filing and
transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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